

BOMBAY ACT No. XXII OF 1951.¹

[THE BOMBAY POLICE ACT, 1951.]

[11th June 1951]

Amended by Bom. 21 of 1952.
 " " " 18 of 1953.
 " " " 20 of 1953.
 " " " 21 of 1954.
 " " " 28 of 1954.
 " " " 57 of 1954.

**An Act to consolidate and amend the law for the regulation of the Police
 Force in the State of Bombay.**

WHEREAS it is expedient to amalgamate the District and Greater Bombay Police Forces in the State of Bombay into one common Police Force and to introduce uniform methods regarding the working and control of the said Force throughout the State; And whereas it is necessary to consolidate and amend the law relating to the regulation of the said Force and the exercise of powers and performance of functions by the State Government and by the members of the said Force for the maintenance of public order; And whereas it is necessary to provide for certain other purposes hereinafter appearing; It is hereby enacted as follows:—

CHAPTER I.*Preliminary.*

1. (1) This Act may be called the Bombay Police Act, 1951.
- (2) It extends to the whole of the State of Bombay.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

Short title,
 extent and
 commence-
 ment.

2. In this Act, unless there is anything repugnant in the subject or context,— **Definitions.**

(1) "cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine;

(2) "Corporation" means a Corporation constituted under the Bombay Municipal Corporation Act or the Bombay Provincial Municipal Corporations Act, 1949;

(3) the expression "competent authority" when used with reference to the exercise or performance of any power, duty or function, under the provisions of this Act, means—

(a) in relation to Greater Bombay, and other areas for which a Commissioner of Police is appointed under section 7, the Commissioner;

(b) in relation to the areas other than those referred to in clause (a) the District Magistrate or the District Superintendent or the Additional Superintendent when specially empowered in that behalf by the State Government;

(4) "constable" means a police officer of the lowest grade;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1950, Part V, page 324; for Report of the Select Committee, see *ibid.*, 1951, Part V, pages 34-88.

(5) "district" means a territorial division constituting a district for the purposes of the Code of Criminal Procedure, 1898, but does not include Greater V of Bombay ; 1898.

(6) "Inspector-General", "Additional Inspector-General", "Commissioner", "Deputy Inspector-General", "Deputy Commissioner", "Assistant Commissioner", "District Superintendent", "Additional Superintendent", "Assistant Superintendent" and "Deputy Superintendent", means respectively the Inspector-General of Police, the Additional Inspector-General of Police, a Commissioner of Police including an Additional Commissioner of Police, a Deputy Inspector-General of Police, a Deputy Commissioner of Police, an Assistant Commissioner of Police, a District Superintendent of Police, an Additional Superintendent of Police, and Assistant Superintendent of Police and a Deputy Superintendent of Police appointed or deemed to be appointed under this Act ;

(7) "municipality" means a municipality constituted or deemed to be constituted under the Bombay Municipal Boroughs Act, 1925, or the Bombay District Municipal Act, 1901 ; Bom. XVIII of 1925. Bom. III of 1901.

(8) "place" includes a building, a tent, a booth or other erection, whether permanent or temporary, or any area whether enclosed or open ;

(9) "place of public amusement" means any place where music, singing, dancing, or any diversion or game, or the means of carrying on the same, is provided and to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted and includes a race course, circus, theatre, Music hall, billiard room, bagatelle room, gymnasium, fencing school, swimming pool or dancing hall ;

(10) "place of public entertainment" means any place to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises by any person owning or having an interest in or managing such place and includes a refreshment room, eating-house, coffee-house, liquor-house, boarding house, lodging house, hotel, tavern or wine, beer, spirit arrack, toddy, ganja, bhang or opium shop¹ [or a shop where any kind of food or drink is supplied to the public for consumption in or near such shop] ;

(11) "Police officer" means any member of the Police Force appointed or deemed to be appointed under this Act, and includes a special or an additional Police officer appointed under section 21 or 22 ;

(12) "prescribed" means prescribed by rules ;

(13) "public place" includes the foreshore, the precincts of every public building or monument, and all places accessible to the public for drawing water, washing or bathing or for the purpose of recreation ;

(14) "rules" means rules made under this Act ;

(15) "street" includes any highway, bridge, way over a causeway, viaduct, arch, quay or wharf or any road, lane, footway, square, court, alley or passage accessible to the public, whether a thoroughfare or not ;

(16) "Subordinate ranks" means members of the Police Force below the rank of the Inspector ;

(17) "vehicle" means any carriage, cart, van, dray, truck, hand cart or other conveyance of any description and includes a bicycle, a tricycle, a rickshaw, an automatic car, a vessel or an aeroplane.

¹ These words were added by Bom. 57 of 1954, s. 2.

9. The State Government may appoint any Police Officer not below the rank of a District Superintendent to be the Principal of the Central Police Training School, Nasik, and may assign to him such powers functions and duties as it may think fit. Principal,
Central
Police Train-
ing School,
Nasik.

10. (1) The State Government may appoint one or more Deputy Commissioners and one or more Assistant Commissioners of Police in Greater Bombay or in any area in which a Commissioner has been appointed under clause (a) of section 7. Duties and
Assistants to
Commis-
sioner.

(2) Every such Deputy or Assistant Commissioner shall, under the orders of the Commissioner, exercise and perform any of the powers, functions and duties of the Commissioner to be exercised or performed by him under the provisions of this Act or any other law for the time being in force in accordance with the general or special orders of the State Government made in this behalf ;

Provided that the powers to be exercised by the Commissioner ¹[of making, altering or rescinding rules under section 33] shall not be exercisable by a Deputy or Assistant Commissioner.

11. (1) The State Government may appoint for Greater Bombay such number of Superintendents of Police as it may think expedient. Superinten-
dent in
Greater
Bombay.

(2) A Superintendent appointed under sub-section (1) shall exercise such powers and perform such duties and functions as can be exercised or performed under the provisions of this Act or any other law for the time being in force or as are assigned to him by the Commissioner under the general or special orders of the State Government ;

Provided that the powers to be exercised by the Commissioner under section 13 or 33 shall not be exercisable by the Superintendent.

12. (1) Subject to the control of the State Government, the Commissioner for Greater Bombay shall, if he thinks fit— Constitution
of divisions
and sections.

(a) constitute within the Greater Bombay, Police divisions,

(b) sub-divide the same into sections, and

(c) define the limits and extent of such divisions and sections.

(2) Each such division shall be in charge of a Superintendent of Police and each section shall be in charge of an Inspector of Police. Officers in
charge of
divisions and
sections.

¹[12A. Subject to the general or special orders of the State Government the Commissioner for the area for which he is appointed and the Inspector-General for other areas shall appoint Inspectors.] Inspectors.

13. [Inspector-General and Commissioner to exercise the powers of First Class Magistrate and Presidency Magistrate.] Deleted by Bom. XXI of 1954, Second Sch.

¹ These words and figures were substituted for the words and figures " under section 13 or 33 " by Bom. 57 of 1954, s. 3.

² Section 12A was inserted by Bom. 28 of 1954, s. 2.

Certificate of
appointment.

14. (1) Every Police officer ¹* * ²[of the grade of Inspector or below], shall on appointment receive a certificate in form provided in Schedule II. The certificate shall be issued under the seal of such officer as the State Government may by general or special order direct.

(2) A certificate of appointment shall become null and void whenever the person named therein ceases to belong to the Police Force or shall remain inoperative during the period within which such person is suspended from such Force.

Effect of
suspension
of Police
officer.

15. The powers, functions and privileges vested in a police shall remain suspended whilst such Police officer is under suspension from office :

Provided that notwithstanding such suspension such person shall not cease to be a Police officer and shall continue to be subject to the control of the same authorities to which he would have been, if he was not under suspension.

General
powers of
Commissioner
and District
Superinten-
dent.

16. The Commissioner, subject to the orders of the Inspector General, and the District Superintendent, subject to the orders of the Inspector General and the District Magistrate, shall, within their respective spheres of authority direct and regulate all matters of arms, drill, exercise observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail or the fulfilment of their duties by the Police Force under him.

Control of
District
Magistrate
over Police
Force in
district.

17. (1) The District Superintendent and the Police Force of a district shall be under the control of the District Magistrate.

(2) In exercising such control the District Magistrate shall be governed by such rules and orders as the State Government may make in this behalf.

Power of
District
Magistrate
to require
reports from
District
Superinten-
dent.

18. The District Magistrate may require from the District Superintendent reports, either particular or general, on any matter connected with the crimes, habitual offenders, the prevention of disorder, the regulation of assemblies and amusements, the distribution of the Police Force, the conduct and character of any Police officer subordinate to the District Superintendent, the utilization of auxiliary means and all other matters in furtherance of his control of the Police Force and the maintenance of order.

Power of
supervision
by District
magistrates.

19. If the District Magistrate observes any marked incompetence or unfitness for the locality or for his particular duties, in any Police officer subordinate to the District Superintendent, he may require the District Superintendent to substitute another officer for any officer whom he has power to transfer and the District Superintendent shall be bound to comply with the requisition :

Provided that if the Police officer concerned is an officer ³[of a grade higher than that of an Inspector] the District Magistrate may report his conduct to the Inspector General. The Inspector General may, thereafter, determine the action to be taken and pass such orders as he thinks fit, and shall communicate such action or order to the District Magistrate.

¹ The words "of and" were deleted by Bom. 20 of 1953, s. 3.

² These words were substituted for the words "below the grade of Inspector" by Bom. 28 of 1954 s. 3.

³ These words were substituted for the words "of the grade of the Inspector or of a higher grade" *ibid.*, s. 4.

25. (1) The State Government, or any officer authorised by sub-section (2) Punishment of the members of the subordinate ranks of the Police Force whom he shall think cruel, perverse, the subordinate ranks of the Police Force departmentally for neglect of duty, etc. remiss or negligent in the discharge of his duty or unfit for the same, and may fine to an amount not exceeding one month's pay, any member of the subordinate ranks of the Police Force, who is guilty of any breach of discipline or misconduct or any act rendering him unfit for the discharge of his duty, which does not require his suspension or dismissal.

(2) (a) The Inspector-General, the Commissioner and the Deputy Inspector-General shall have authority to punish ²[an Inspector or] any member of the subordinate ranks under sub-section (1). A District Superintendent shall have the like authority in respect of any Police officer subordinate to him below the grade of Inspector ³[and may suspend an Inspector who is subordinate to him pending inquiry into a complaint against such Inspector and until an order of the Inspector-General or Deputy Inspector-General can be obtained.] ⁴Punitive powers of Inspector-General, Commissioner, Deputy Inspector-General and District Superintendent.

(b) The Principal of the Central Police Training School, Nasik, shall also have the like authority in respect of any member of the subordinate ranks of the Police Force below the grade of Inspector serving under him, and in respect of head constables and constables belonging to the Police Force of the Nasik District or of any other district attached to the said school for duty under him. ⁴[He may also suspend an Inspector who is subordinate to him pending inquiry into a complaint against such Inspector and until an order of the Inspector-General or Deputy Inspector-General can be obtained.]

⁵[(bb) A Superintendent of Police appointed under section 8A for the Police Wireless System or the Police Motor Transport System or for performing any specific duties shall have the like authority in respect of any Police officer subordinate to him below the grade of Inspector].

(c) The exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by the State Government in that behalf.

(3) Nothing in sub-sections (1) and (2)—

(a) shall affect any Police officer's liability to a criminal prosecution for any offence with which he may be charged ; or

(b) shall entitle any authority subordinate to that by which the Police officer was appointed, to dismiss or remove him.

26. When any officer passes an order for fining, suspending, reducing, removing or dismissing a Police officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, under his signature : Procedure to be observed in awarding punishment.

Provided that ⁶[no order for reducing, removing or dismissing a Police officer] shall be passed without giving him a reasonable opportunity of showing cause against the action proposed to be taken against him except in cases referred to in the proviso (a) to clause (2) of Article 311 of the Constitution.

27. An appeal against any order passed against a Police officer under section 25 or the rules or orders thereunder shall lie to the State Government itself or to such officer as the State Government may by general or special order specify. Appeals from orders of punishment.

¹ The words "an Inspector or" were inserted by Bom. 28 of 1954, s. 5 (1).

² The words "an Inspector or" were inserted, *ibid.*, s. 5 (2) (i).

³ These words were deleted by Bom. 20 of 1953, s. 4 (1) and again inserted by Bom. 28 of 1954,

s. 5 (2) (ii).

⁴ These words were deleted by Bom. 20 of 1953, s. 4 (2) and again inserted by Bom. 28 of 1954,

s. 5 (3).

⁵ Clause (bb) was inserted by Bom. 20 of 1953, s. 4 (3).

⁶ These words were substituted for the words "no such order" by Bom. 57 of 1954, s. 4.

Police officers to be deemed to be always on duty and to be liable to employment in any part of the State.

28. (1) Every Police officer not on leave or under suspension shall for all purposes of this Act be deemed to be always on duty, and any Police officer or any number or body of Police officers allocated for duty in one part of the State may, if the State Government or the Inspector-General so directs, at any time be employed on Police duty in any other part of the State for so long as the services of the same may be there required.

Intimation of proposed transfers to be given by the Inspector-General to the Commissioner and District Magistrate.

(2) Timely intimation shall, except in cases of extreme urgency, be given to the Commissioner and the District Magistrate by the Inspector-General of any proposed transfer under this section, and, except, where secrecy is necessary the reasons for the transfer shall be explained; whereupon the officers aforesaid and their subordinates shall give all reasonable furtherance to such transfer.

Under what conditions Police officer may resign.

29. ¹[(1) No Police officer ²[of the grade of Inspector or] of the subordinate ranks shall resign his office or, withdraw himself from the duties thereof, except with the written permission of the Commissioner or the Deputy Inspector-General, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent or of some other Police officer empowered by the Inspector-General or the Commissioner to grant such permission :

Provided that, subject to the provisions of sub-section (2), no such permission shall be granted to any such Police officer until he has fully discharged any debt due by him as such Police officer to Government or to any Police fund].

(2) If any such Police officer produces a certificate signed by the Police Surgeon or the Civil Surgeon declaring him to be unfit by reason of disease or mental or physical incapacity for further service in the Police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him as such Police officer, to Government or to any Police fund.

Arrear of pay of a Police officer contravening this section may be forfeited.

(3) If any such Police officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable on the order of the Commissioner, or the Deputy Inspector-General, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent, as the case may be, to forfeit all arrears of pay then, due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under section 145 of this Act or any other law in force.

Certificate, arms, etc., to be delivered up by person ceasing to be a Police officer and

30. (1) Every person who for any reason ceases to be a Police officer shall forthwith deliver up to some officer empowered by the Commissioner, or the Deputy Inspector-General, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or the District Superintendent to whom such Police officer is subordinate to receive the same, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessities which have been furnished to him for the performance of duties and functions connected with his office.

¹ Sub-section (1) was substituted for the original by Bom. 20 of 1953, s. 5.

² These words were inserted by Bom. 28 of 1954, s. 6.

152. Nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Act or from being prosecuted and punished under this Act for an offence punishable under any other enactment: Prosecution for offences under other enactments not affected.

V of
1898.

[Provided that all such cases shall be subject to the provisions of section 403 of the Code of Criminal Procedure, 1898.

CHAPTER VIII.

Miscellaneous.

153. All fees paid for licences or written permissions issued under this Act, and all sums paid for the service of processes by Police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police officers as informers, shall, save in so far as any such fees or sums belong under the provisions of any enactment in force to any local authority, be credited to the State Government: Disposal of fees, rewards etc.

Provided that with the sanction of the State Government, or under any rule made by the State Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may for special services, be paid to a Police officer, or be divided amongst two or more Police officers.

154. No municipal or other local rates shall be payable by the State Government on account of the occupation or use of any house or place in any area other than Greater Bombay by members of the Police Force for the convenient performance of their duties. No municipal or other rates to be payable by State Government on Police buildings.

155. Any order or notification published or issued by the State Government or by a Magistrate or officer under any provision of this Act, and the due publication or issue thereof, may be proved by the production of a copy thereof in the *Official Gazette*, or of a copy thereof signed by such Magistrate or officer, and by him certified to be a true copy of an original published or issued according to the provisions of the section of this Act applicable thereto. Method of proving orders and notifications.

156. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision of this Act or of any rule made under this Act, or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or any irregularity of procedure. Rules and orders not invalidated by defect of form or irregularity in procedure.

157. Notwithstanding anything contained in any law for the time being in force, in a prosecution for an offence for the contravention of a direction issued under section 55, 56 or 57 on the production of an authentic copy of the order, it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed— Presumption in prosecutions for contravention of directions issued under section 55, 56, or 57.

- (a) that the order was made by the authority competent under this Act to make it;
- (b) that the authority making the order was satisfied that the grounds on or the purpose for which it was made existed, and that it was necessary to make the same; and
- (c) that the order was otherwise valid and in conformity with the provisions of this Act.

Officers holding charge of, or succeeding to, vacancies competent to exercise powers.

[157A. Whenever in consequence of the office of a Commissioner, Magistrate or Police officer becoming vacant, any officer holds charge of the post of such Commissioner, Magistrate or Police officer or succeeds, either temporarily or permanently, to his office, such officer shall be competent to exercise all the powers and perform all the duties respectively conferred and imposed by this Act on such Commissioner, Magistrate or Police officer, as the case may be.]

Forfeiture of bond entered into by person permitted to enter or return to the area from which he was directed to remove himself.

158. If any person permitted under sub-section (1) of section 63 fails to observe any condition imposed under the said sub-section or in the bond entered into by him under sub-section (2) of the said section his bond shall be forfeited and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the Court why such penalty should not be paid.

No Magistrate or Police officer to be liable to penalty or damage for act done in good faith in pursuance of duty.

159. No Magistrate or Police officer shall be liable to any penalty or to payment of damages on account of an act done in good faith, in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Act or any other law for the time being in force or any rule, order or direction made or given therein.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

160. No public servant or person duly appointed or authorised shall be liable to any penalty or to payment of any damages for giving effect in good faith to any such order or direction issued with apparent authority by the State Government or by a person empowered in that behalf under this Act or any rule, order or direction made or given thereunder.

Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained, or to be dismissed, if not instituted within six months.

161. (1) In any case of alleged offence by the Commissioner, a Magistrate, Police officer or other person, or of a wrong alleged to have been done by such Commissioner, Magistrate, Police officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted, more than six months after the date of the act complained of.

In suits as aforesaid one month's notice of suit to be given with sufficient description of wrong complained of

(2) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrong-doer one month's notice at least of the intended suit with a sufficient description of the wrong complained of, failing which such suit shall be dismissed.